

BILL NO. S-73-04-05


SPECIAL ORDINANCE NO. S-S-49-23

AN ORDINANCE approving Change Order No. 1 with Hipskind Asphalt Corporation in connection with Sanitary Sewer Improvement Resolution No. 857-1973 in Trixholme Addition.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Change Order No. 1, with Hipskind Asphalt Corporation, in connection with Sanitary Sewer Improvement Resolution No. 857-1973, for the use of ARMCO Truss Pipe in place of V.C.P. or R.C.P. as set out in specifications, resulting in a savings of \$4,000.00 on contract, is hereby in all things ratified, confirmed and approved.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

  
Councilman

APPROVED AS TO FORM  
AND LEGALITY.

  
CITY ATTORNEY

Read the first time in full and on motion by Stier, seconded by Julius, and duly adopted, read the second time by title and referred to the Committee on Public Works (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 197\_\_\_\_, at \_\_\_\_\_ o'clock P.M., E.S.T.

Date: 4/10/73

Charles W. Distenfeld  
CITY CLERK

Read the third time in full and on motion by Stier, seconded by James, and duly adopted, placed on its passage. Passed (~~Lost~~) by the following vote:

	AYES <u>9</u>	NAYS <u>0</u>	ABSTAINED _____	ABSENT _____	to-wit:
BURNS	<u>✓</u>	_____	_____	_____	_____
HINGA	<u>✓</u>	_____	_____	_____	_____
KRAUS	<u>✓</u>	_____	_____	_____	_____
MOSES	<u>✓</u>	_____	_____	_____	_____
NUCKOLS	<u>✓</u>	_____	_____	_____	_____
SCHMIDT, D.	<u>✓</u>	_____	_____	_____	_____
SCHMIDT, V.	<u>✓</u>	_____	_____	_____	_____
STIER	<u>✓</u>	_____	_____	_____	_____
TALARICO	<u>✓</u>	_____	_____	_____	_____

DATE: 4/24/73

Charles W. Distenfeld  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. J. 49-73 on the 24th day of April, 1973.

ATTEST: (SEAL)

Charles W. Distenfeld  
CITY CLERK

Winfield C. Myers Jr.  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 25th day of April, 1973, at the hour of 0.00 o'clock A. M., E.S.T.

Charles W. Distenfeld  
CITY CLERK

Approved and signed by me this 25th day of April, 1973, at the hour of 4.00 o'clock P. M., E.S.T.

Don A. Schaefer  
MAYOR

*Next week.*

Bill No. S-73-04-05

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance  
approving Change Order No. 1 with Hipskind Asphalt Corporation  
in connection with Sanitary Sewer Improvement Resolution No.  
857-1973 in Trixholme Addition.

have had said Ordinance under consideration and beg leave to report back to the Common  
Council that said Ordinance Do PASS.

James S. Stier - Chairman

Eugene Kraus, Jr. - Vice-Chairman

Samuel J. Talarico

William T. Hinga

Vivian G. Schmidt

*James Stier*  
*Eugene Kraus Jr*  
*Samuel J. Talarico*  
*William T. Hinga*  
*Vivian G. Schmidt*

DATE 4-24-73 CONCURRED IN  
CHARLES W. WESTERMAN, CITY CLERK

OFFICE OF  
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

B.O. 91-70

Date March 13, 1973

To Phil Boller, WPC Engineer


Subject Resolution 857, Trixholme Addition

The Board has approved your request to allow Hipskind Asphalt Corporation to use ARMCO Truss Pipe in lieu of specified V.C.P. or R.C.P. on above project. I believe this will require a Change Order.

In reference to changing bonding period from three (3) to five (5) years, the bond has already been signed and an attachment signed by Hipskind and the insurance company will be needed.

Please proceed with the necessary paper work to accomplish your recommendations.

BOARD OF PUBLIC WORKS

  
CLERK

EIS:BT

Attached: Copy of memo

Signed

Repty:

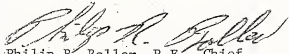
March 23, 1973

Gentlemen:

Attached you will find Change Order No. 1 for the above captioned project, which is a lump sum deduction from the Contractor's bid, for the use of ARMCO Truss Pipe in lieu of the specified V.C.P. for your review and approval.

Also, a two-year extension of their Maintenance Bond for the project, as required for approval of this new product.

Sincerely yours,

  
Philip R. Boller, P.E., Chief  
Water Pollution Control Engineer

PRB:ah

BTED  
JDB  
RBS  
W.G.W.  
Date



Signed

CHANGE ORDER NO. I

Subject for change

The use of ARMCO TRUSS PIPE  
in lieu of the specified V.C.P.  
or R.C.P. as per BOARD OF WORKS  
Letter Dated March 13, 1973  
(B.O. 91-70).

Date March 15, 1973

Project Trixholme Sanitary Sewer Resolution 857

Location

Sta.

Dr. No. S.Y. 10961

Spec. Page No.

Contractor:

HIPSKIND ASPHALT CORPORATION

Item	Quantity	Description	Unit Price	Total
LUMP SUM DELETION FROM CONTRACTORS TOTAL BID				\$4,000.00
			NET DECREASE	\$4,000.00

~~Recommended by:~~

~~Chief Sewer Engineer~~

Approved By:

~~Engineer~~ Engineer, W. P. C.

Approved By:

Chairman

Attest

**Clerk**

BOARD OF PUBLIC WORKS

# Memorandum

Board of Public Works

Date March 12, 1973

Philip R. Boller, P.E., Chief Water Pollution Control Engineer

Subject Resolution No. 857 - Trixholme Sanitary Sewer

COPIES TO:

NOTED

J.D.B.

R.L.B.

☐ W.G.W.

Date \_\_\_\_\_

Gentlemen:


The successful low bidder contractor on this project, Hipskind Asphalt Corporation, has requested permission to use ARMCO Truss Pipe in lieu of the specified V.C.P. or R.C.P.

After extensive engineering investigation of this product for structural strength, infiltration and acceptable construction practices being used to install the pipe, we recommend to the Board that permission be granted to use ARMCO Truss Pipe on this project, with the following conditions:

1. That the three (3) year performance and guarantee bond be extended to five (5) years.
2. That the contractor furnish, at his total expense, over a period of three (3) years, a pipe deflection report on 50% of the ARMCO Truss Pipe installed on the project, and that two (2) of these reports shall be required each year of this period.
3. That the City of Fort Wayne shall receive a lump sum credit to install this ARMCO Truss Pipe of Four Thousand Dollars (\$4,000.00).
4. That all the City of Fort Wayne's standards and specifications on this project shall remain unchanged throughout.

We respectfully request your immediate action in this matter, in order that the contractor may proceed with his construction of this project.

Sincerely yours,

  
Philip R. Boller, P.E., Chief  
Water Pollution Control Engineer

PRB:ah

CC: Hipskind Asphalt Corporation  
6525 Ardmore Avenue  
Fort Wayne, Indiana

# TRINITY UNIVERSAL INSURANCE COMPANY

DALLAS, TEXAS

## MAINTENANCE BOND

KNOW ALL MEN BY THESE PRESENTS, That we.

Hipskind Asphalt Corp., Fort Wayne, Indiana

as Principal, and THE TRINITY UNIVERSAL INSURANCE COMPANY, a corporation organized under the laws of the State of Texas, with principal offices at Dallas, Texas, as Surety, are held and firmly bound unto

City of Fort Wayne, Indiana

(hereinafter called the Oblige), in the penal sum of \_\_\_\_\_

One hundred ninety-four thousand one hundred ninety and No/100 (\$ 194,190.00 ) Dollars, for the payment of which, well and truly to be made, we do hereby bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

DATED this 9th day of January 19 76.

WHEREAS, the said Principal has heretofore entered into a contract with the Oblige above named for

Resolution #857

and,

WHEREAS, the work called for under said contract has been completed and accepted by said Oblige;

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That if said Principal shall, for a period of two (2) years from and after the 9th day of

January 19 76, indemnify the Oblige against any loss or damage directly arising by reason of any defect in the material or workmanship which may be discovered within the period aforesaid, then this obligation shall be void; otherwise to be and remain in full force and virtue in law.

PROVIDED, HOWEVER, that in the event of any default on the part of said Principal, written statement of the particular facts showing such default and the date thereof shall be delivered to the Surety by registered mail, at its Home Office in the City of Dallas, Texas, promptly and in any event within ten (10) days after the Oblige or his representative shall learn of such default; and that no claim, suit, or action by reason of any default of the Principal shall be brought hereunder after the expiration of thirty days from the end of the maintenance period as herein set forth.

HIPSKIND ASPHALT CORP.

By David L. Hipskind Treasurer

TRINITY UNIVERSAL INSURANCE COMPANY

By I. R. Handel I. R. Handel, ATTORNEY-IN-FACT



## POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That TRINITY UNIVERSAL INSURANCE COMPANY, a Texas Corporation, in pursuance of authority granted by that certain resolution adopted at a regular meeting of its Board of Directors, held at the office of the Company, in the City of Dallas, Texas, on the twenty-third day of January, 1937 and of which the following is a true, full and complete copy:

"Resolved, That the President, any Vice-President, or any Secretary of this Company be and they are hereby authorized and empowered to make, execute and deliver in behalf of the Company unto such person or persons residing within the United States of America, as they may select, its Power of Attorney constituting and appointing each such person its Attorney-in-Fact, with full power and authority to make, execute and deliver, for it, in its name and in its behalf, as surety, any particular bond or undertaking that may be required in the specified territory, under such limitations and restrictions, both as to nature of such bonds or undertakings and as to limits of liability to be undertaken by the Company, as said officers may deem proper, the nature of such bonds or undertakings and the limits of liability to which such powers of attorney may be restricted, to be in each instance specified in such Power of Attorney."

amended at a regular meeting of its Board of Directors held at the office of the Company, in the City of Dallas, Texas, on the seventeenth day of October, 1962, and of which the following is a true, full and complete copy:

RESOLVED, That any and all Attorneys-in-Fact and officers of the Company, including Assistant Secretaries, whether or not the Secretary is absent, be and are hereby authorized and empowered to certify or verify copies of the By-Laws of the Company as well as any resolution of the Directors, having to do with the execution of bonds, recognizances, contracts of indemnity, and all other writings obligatory in the nature thereof, or with regard to the powers of any of the officers of the Company or of Attorneys-in-Fact.

RESOLVED, That the signature of any of the persons described in the foregoing resolution may be facsimile signatures as fixed or reproduced by any form of typing, printing, stamping or other reproduction of the names of the persons hereinabove authorized.

does hereby nominate, constitute and appoint:

I. R. HANDEL - COLUMBUS, OHIO

its true and lawful Attorney-in-Fact, to make, execute, seal and deliver for and on its behalf, as surety in the United States of America:

Any and all bonds unlimited as to amount and to be given for the following purposes only, to-wit: Guaranteeing the fidelity of persons holding places of public or private trust; Guaranteeing the performance of contracts for public or private construction, including supply contracts; and all other bonds and undertakings required or permitted in all actions or proceedings or by law required.

PROVIDED, No authority is extended for the execution of Open Penalty Bonds

No authority is given to execute any bond wherein said attorney-in-fact appears as a party at interest either as principal or obligee.

And the execution of such bonds or undertakings, in pursuance of these presents, shall be as binding upon the said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the said Company at its office in Dallas, Texas, in their own proper persons.

In witness whereof, TRINITY UNIVERSAL INSURANCE COMPANY has caused its corporate seal to be hereto affixed and these presents to be duly

executed by its proper officer this 7th day of June, 1971

Attest:

TRINITY UNIVERSAL INSURANCE COMPANY

By R. M. McWhirter  
R. M. McWhirter,  
Vice-President

L. C. Rempleton  
L. C. Rempleton, Secretary

(SEAL)

State of Texas    §§  
County of Dallas

On this day personally appeared before me, a Notary Public, in and for the County of Dallas, the above named officer of TRINITY UNIVERSAL INSURANCE COMPANY, who, being duly sworn by me, did depose and say that he is the said officer of the Company aforesaid, and that the seal affixed to the preceding instrument is the corporate seal of the said Company, and that the said corporate seal and his signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Company.

Witness my hand and seal, this 7th day of June, 1971

(SEAL)

My commission expires June 1, 1973

C. E. Cason, Jr.  
Notary Public

I, the undersigned, \_\_\_\_\_ Secretary of TRINITY UNIVERSAL INSURANCE COMPANY, do hereby certify that the original POWER OF ATTORNEY, of which the foregoing is a full, true and correct copy, was signed by the Officers and Notary Public whose names are shown above and that it is in full force and effect.

In witness whereof, I have hereunto subscribed my name and affixed the corporate seal of the Company, this 9th

day of January, 1973

(Seal)

L. C. Rempleton  
Secretary

CERTIFIED COPY OF POWER OF ATTORNEY  
SEE CERTIFICATION



## DIGEST SHEET

Public Works  
S-73-04-05TITLE OF ORDINANCE Change Order #1 on Construction of Sewer in Trixholme Addition.DEPARTMENT REQUESTING ORDINANCE Board of Public Works

SYNOPSIS OF ORDINANCE The Sewer Engineer and Board have approved the use  
of ARMCO Truss Pipe in place of V.C.P. or R.C.P. as set out in specifications.  
The approval is contingent upon a 5-year guarantee bond instead of the usual  
3-year. (Copy of additional bond attached.)

The contract in amount of \$194,190.00 was approved under Special Ordinance  
S-07-73.

EFFECT OF PASSAGE Savings of city money in amount of \$4000.00. The use  
of the different pipe is acceptable to City.

EFFECT OF NON-PASSAGE City would lose advantage of the \$4000.00 savings.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

Savings of \$4000.00 on contract

ASSIGNED TO COMPLETER (J.N.)

Public Works - Wren

# ORDINANCE CHECK-OFF SHEET

## INFORMATION REGARDING ORDINANCE

## CONTENTS OF ORDINANCE

BILL NO.	<i>1-73-04-25</i>
ORDINANCE NO.	<i>0-49-73</i>
REGULAR SESSION	<i>4-10-73</i>
SPECIAL SESSION	
APPROVED AS TO FORM AND LEGALITY	<i>Keller</i>
BILL WRITTEN BY	<i>Ed. J. Butler Weeks</i>
DATE INTRODUCED	<i>4-10-73</i>
REFERRED TO SAID STANDING COMMITTEE	<i>Butler Weeks</i>
REFERRED TO CITY PLAN	
LEGAL PUBLIC HEARING	
LEGAL PUBLICATION	
JOINT HEARING	
DEPARTMENT HEARING	
HOLD FILE	
<input checked="" type="checkbox"/> PASS	<i>4-24-73</i>
DO NOT PASS	
WITHDRAWN	
SUSPENSION OF RULES	
PRIOR APPROVAL	
ORDINANCE TAKEN OUT OF OFFICE	
OTHER INSTRUCTIONS REGARDING ORDINANCE	
CORRECTIONS MADE TO ORDINANCE	
PEOPLE SPEAKING FOR ORDINANCE	
PEOPLE SPEAKING AGAINST ORDINANCE	

<input checked="" type="checkbox"/>	COMMITTEE SHEET
<input checked="" type="checkbox"/>	VOTE SHEET
<input checked="" type="checkbox"/>	PURCHASE ORDERS
	BIDS
	ORDERS, BIDS OR OTHER PAPERS TAKEN OUT AND BY WHOM
	LETTER REQUESTING ORDINANCE DRAWN UP BY CITY ATTORNEY
	COMMUNICATIONS FROM
	ZONING MAPS
	<i>Murtonie Bond.</i>
	ABSTRACTS
	TITLES
	PRIOR APPROVAL LETTER

*Digest Sheet.*

## COUNCILMAN'S VOTE

	<i>9</i>	AYES	NAYS	ABSENT
BURNS	<input checked="" type="checkbox"/>			
HINGA	<input checked="" type="checkbox"/>			
KRAUS	<input checked="" type="checkbox"/>			
MOSES	<input checked="" type="checkbox"/>			
NUCKOLS	<input checked="" type="checkbox"/>			
D. SCHMIDT	<input checked="" type="checkbox"/>			
V. SCHMIDT	<input checked="" type="checkbox"/>			
STIER	<input checked="" type="checkbox"/>			
TALARICO	<input checked="" type="checkbox"/>			

COMMENTS: